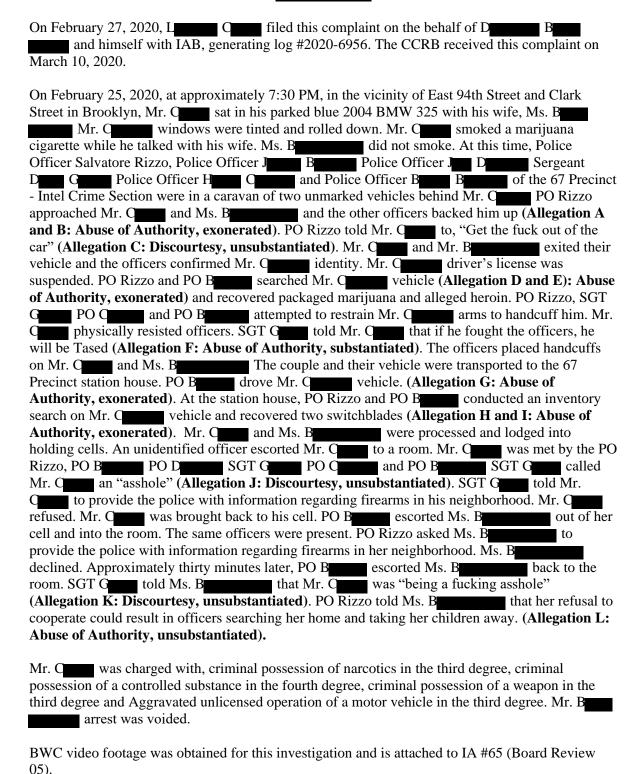
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:		CCRB Case #:		Force	√	Discourt.		U.S.
Jeffrey Tsui		Squad #	1 15	202001998		Abuse		O.L.		Injury
Incident Date(s)		18 Mo.	SOL	EO SOL	Lo	cation of l	Incide	ent:	Pre	cinct:
Tuesday 02/25/2020 7:45 PM		08-25-2	021	04-11-2022		East Brooklyr		Street 11212		67
Date/Time CV Reported		CV Rep	orted At:	How CV Reported	l:	Date/Time	e Rece	eived at CCI	₹B	
Thu, 02/27/2020 8:59 AM		IAB		Phone		Tue, 03/1	0/2020	0 10:01 AM	<u> </u>	
Complainant/Victim	Type		Home Ad	dress						
1. L C C B	Comp/V Victim	ictim								
Subject Officer(s)	Shield		TaxID	Command						
1. POM Salvatore Rizzo	28468		955390	INT CIS						
2. SGT D										
3. POM J										
Witness Officer(s)	Shield N	0	Tax No	Cmd Name						
1. DT3 B										
2. DT3 H C										
3. DT3 J										
Officer(s)	Allegation							ator Recon	ame	ndation
A . POM Salvatore Rizzo	Abuse of L	Authori C	ty: Police Of	fficer Salvatore Rizzo s	stop	ped A.	Exor	nerated		
B . POM Salvatore Rizzo	Abuse of D	Authori B	ty: Police Of	fficer Salvatore Rizzo s	stop	ped B.	Exon	erated		
C . POM Salvatore Rizzo	Discourte discourte			alvatore Rizzo spoke		C .	Unsu	ıbstantiated	l	
D . POM Salvatore Rizzo	Abuse of the vehice			fficer Salvatore Rizzo s C was an occupa		ched D.	Exor	nerated		
E. POM J	Abuse of the vehice		ty: Police Of ich L	fficer J B s C was an occupa		ched E.	Exon	erated		
F. SGT D	Abuse of L		ty: Sergeant with the use		ed	F.	Subst	tantiated		
G. POM J	Abuse of L	Authori C	ty: Police Of property.	fficer J B s	seize	ed G.	Exor	nerated		
H . POM Salvatore Rizzo	Abuse of the vehice			fficer Salvatore Rizzo s C was an occupa		ched H.	Exor	nerated		
I . POM J	Abuse of the vehice		ty: Police Of ich L	fficer J B S S S C was an occupa		ched I. l	Exone	erated		
J. SGT D	Discourt L	esy: Serg C	geant D	spoke discourte	ousl	y to J.	Unsul	bstantiated		
K . SGT D	Discourt D	esy: Serg	geant D	spoke discourte	ousl	y to K.	Unsu	ıbstantiated	l	
L . POM Salvatore Rizzo				fficer Salvatore Rizzo	ervic		Unsu	bstantiated	,	

Case Summary

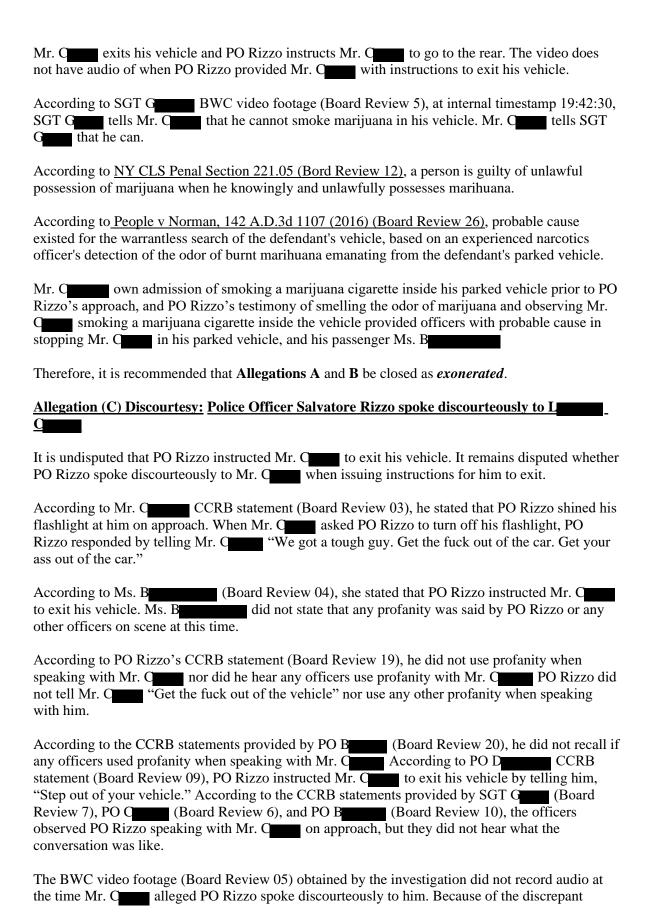


CCRB Case # 202001998

Findings and Recommendations

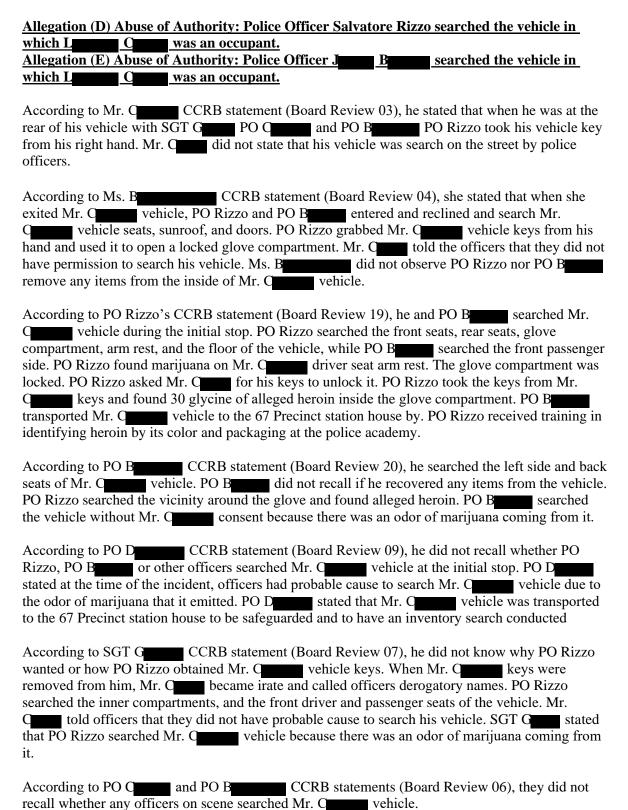
Allegation (A) Abuse of Authority: Police Officer Salvatore Rizzo stopped L Allegation (B) Abuse of Authority: Police Officer Salvatore Rizzo stopped D It is undisputed that Mr. Comment driver's license was suspended. Mr. Comment smoked a marijuana rolled down. Mr. Community was in the driver seat and Ms. Box was in the transfer and Ms. Box followed by PO B cigarette inside his parked vehicle with tinted windows. Mr. Quantum driver side window was was in the front passenger in one vehicle and SGT G PO C and PO B as back up. CCRB statement (Board Review 03), approximately two to five minutes According to Mr. C after he parked and smoked a marijuana cigarette, an unmarked police vehicle drove up beside him on his driver side. PO Rizzo asked Mr. Command if he was smoking weed. Mr. Command told PO Rizzo yes. PO Rizzo, PO Barrer and PO Daniel existed their vehicle. Mr. Carrer put out his marijuana cigarette in the ashtray between the shift stick and locked glovebox. There was a pocketknife inside the glovebox. A second unmarked police vehicle pulled over behind Mr. Q SGT G and PO B exited the second vehicle. The other officers surrounded Mr. C vehicle. PO Rizzo approached the Mr. C driver side and told Mr. "Get the fuck out of the car. Get your ass out of the car." (Board Review 04), approximately two minutes after Mr. C According to Ms. B parked, PO Rizzo approached him and asked, "What are you doing?" PO Rizzo asked Mr. C to show his identification. Mr. Carrel asked why. PO Rizzo told Mr. Carrel that he observed him smoking marijuana. Mr. C denied smoking marijuana. Ms. B stated that neither Mr. Common nor herself was smoking marijuana. Mr. Common provided his ID to PO Rizzo and PO Rizzo told Mr. Complied. According to PO Rizzo's CCRB statement (Board Review 19), PO Rizzo observed Mr. C vehicle with rolled down tinted driver side windows. PO Rizzo smelled an odor of marijuana smoke coming out of Mr. Question vehicle from approximately ten feet away. At this time, PO Rizzo also observed Mr. Communication smoking a marijuana cigarette. Ms. Bernanda was not smoking. PO Rizzo exited his vehicle and approached Mr. Comment driver side to conduct a stop. PO Rizzo asked Mr. to exit and to step to rear of his vehicle. PO Rizzo stated that he was trained in identifying marijuana at the police academy. CCRB statements provided PO B (Board Review 20), PO D (Board Review 9), SGT General (Board Review 7) were consistent with each other. Each of the officers above stated that they smelled the odor of marijuana smoke coming from Mr. Communication vehicle and observed him smoking a marijuana cigarette. According to PO C (Board Review 6) and PO B CCRB (Board Review 10) statements, neither officer recalled if they smelled an odor of marijuana coming from Mr. Questie vehicle. PO Business did not observe Mr. Questies smoking a marijuana cigarette while PO Communication did not recall. The officers' statements were all consistent in that all the officers stated that they were PO Rizzo's back up. According to NYPD Arrest Evidence Invoice (Board Review 18), prepared by PO Rizzo, a marijuana cigarette in a "blunt" package and marijuana in a plastic container was found at the time of Mr. Carrest.

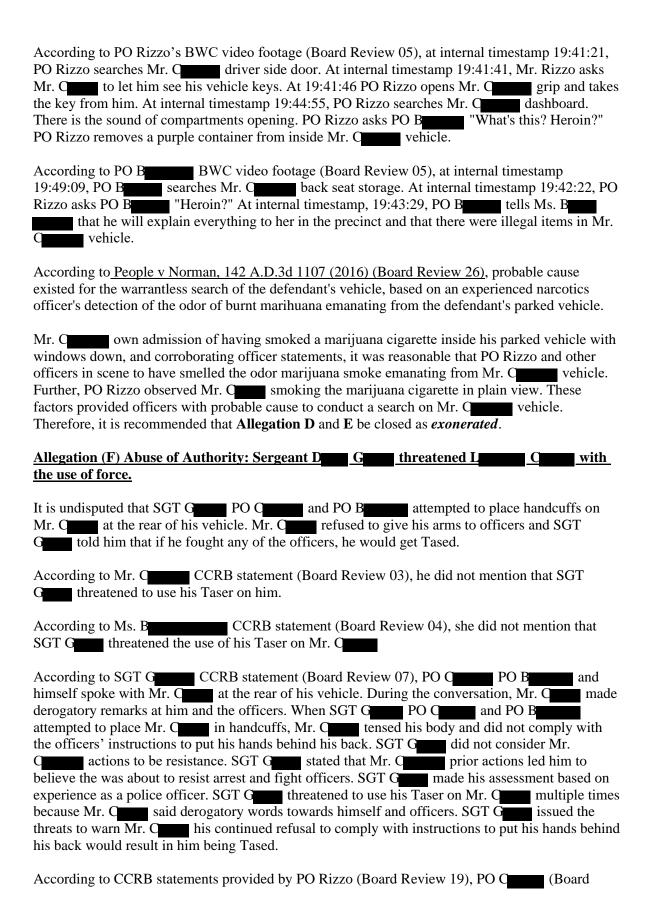
According to PO Rizzo's BWC video footage (Board Review 06), at internal timestamp 19:40:30,



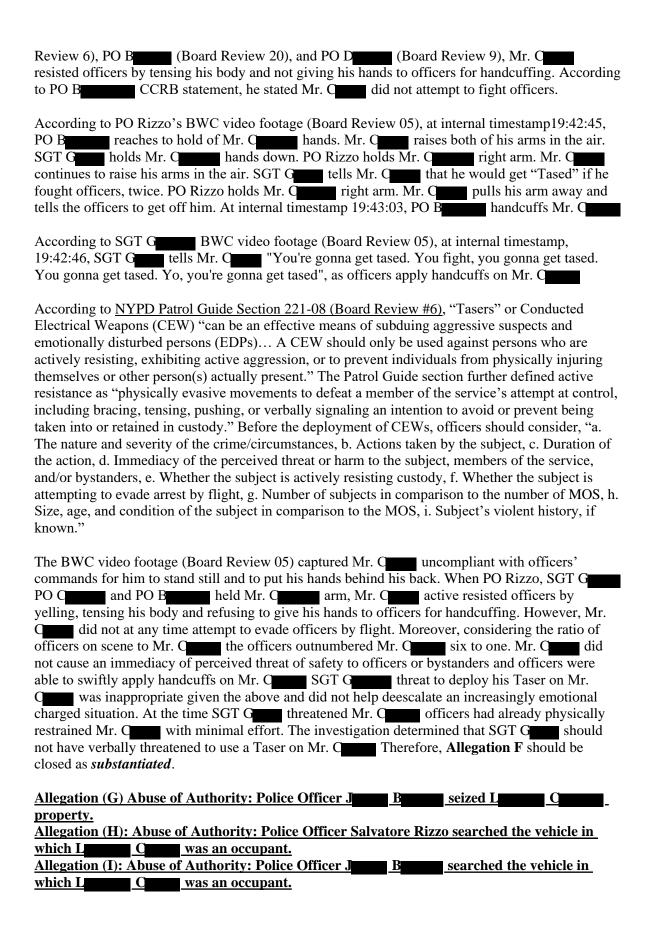
CCRB CTS – Confidential Page 3

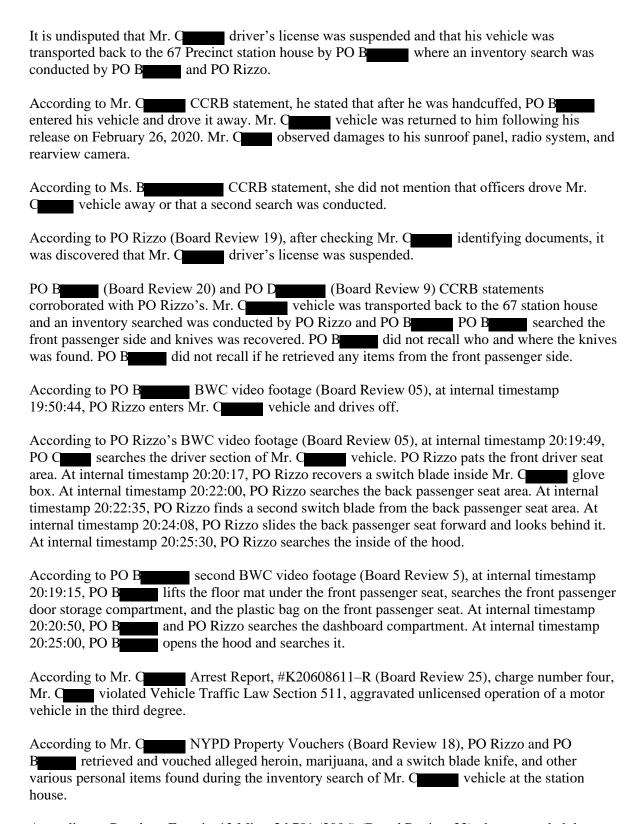
civilian and officer statements and the lack of additional video-audio evidence, the investigation did not arrive at a preponderance of evidence that PO Rizzo spoke discourteously to Mr. C It is therefore recommended that **Allegations C** be closed as *unsubstantiated*.





CCRB CTS – Confidential Page 5





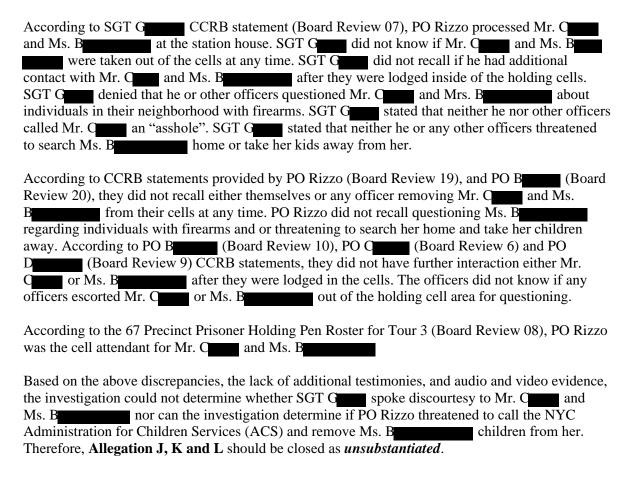
According to People v. Francis, 12 Misc. 3d 781 (2006) (Board Review 22), the court ruled that a vehicle that is lawfully in police custody is subject to a routine inventory search to catalogue its contents. The lawful arrest of the vehicle's driver by itself does not justify impoundment. A car may be impounded if it was driven by an unlicensed driver or a driver whose license is suspended

and there is no one who is legally able to drive the vehicle.

According to NYPD Patrol Guide Procedure 218-13 (Board Review 23), officers must thoroughly search the interior of any vehicle that comes into police custody. Officers are permitted to search the interior of the vehicle thoroughly. a. This search should include any area that may contain valuables including, but not limited to: (1) Glove compartment (2) Console (3) Map pockets in or on doors and rear or side of seats (4) Areas under the seats and in and around the seat stuffing and springs (5) Under the floor mats (6) Under and behind the dashboard (7) Inside the ashtrays (8) In the air vents where accessible (9) Under the hood (10) Trunk.

The investigation determined that PO B was justified in taking Mr. C vehicle into

custody because Mr. Quantum driver's license was suspended at the time of the incident. Given that both, Mr. Quantum and Ms. But were arrested, the officers were justified in impounding Mr. Quantum vehicle for safeguarding because there was no driver legally able to operate the vehicle on Mr. Quantum behalf. In accordance with the NYPD Patrol guide, once Mr. Quantum vehicle was in police custody, the PO Rizzo and PO But were required to conduct a thorough inventory search.									
Therefore, it is recommended that Allegations G, H, and I be closed as <i>exonerated</i> .									
Allegation (J) Discourtesy: Sergeant D G spoke discourteously to L B Spoke discourteously to D B									
Allegation (L) Abuse of Authority: Police Officer Salvatore Rizzo threatened to notify Administration for Children's Services.									
It remains disputed whether officers interacted with Mr. C and Ms. B once they were lodged in the holding cells.									
According to Mr. C CCRB's statement (Board Review 03), an unidentified officer entered the holding cell area and escorted her to the back of the stationhouse. The officer escorted him to a room on the right side of the hallway. PO Rizzo, PO B PO SGT G PO and PO B were inside. SGT G instructed Mr. C to sit on a chair. Mr. C refused. SGT G called Mr. C an "asshole". The officers asked Mr. C to provide them with information regarding individuals with guns in his neighborhood. Mr. C refused. The officers told Mr. C that if he did cooperate, they would lose Mr. Chery's paperwork and search his home.									
According to Ms. B CCRB statement (Board Review 04), she stated that approximately twenty to thirty minutes after she was lodged in a cell, PO B escorted her to a room. PO Rizzo, PO B PO D SGT G PO C and PO B were inside the room. The officers identified themselves as the "The Gun Control Unit". The officers ask Ms. B to provide the police with information regarding individuals with firearms in her neighborhood. Ms. B told the officers that she did not have any information. PO Rizzo told Ms. B that she will be rewarded \$1500 if she provided the requested information. Ms. B escorted Ms. B back to her cell. Thirty minutes later, PO B escorted Ms. B back to the room. SGT G told Ms. B that Mr. C was "Being a fucking asshole." PO Rizzo told Ms. B that the police will get a search warrant to search her home because she did not cooperate and that her children could get taken away. Ms. B was escorted back to her cell.									



Civilian and Officer CCRB Histories

- Mr. Came has been party to two CCRB complaints and has been named as a victim in twenty-four allegations (Board Review #3).
- #202002745 involved an allegation of Force, Abuse of authority and Discourtesy. To date, this investigation is still open.
- This is the only complaint Ms. B had been a party of.
- PO Rizzo has been a member of service for eight years and has been a subject in nine CCRB complaints and thirty-eight allegations, none of which were substantiated.
- PO Rizzo's CCRB history does not reflect any apparent pattern pertinent to this investigation.
- PO B has been a member of service for eight years and has been a subject in nine CCRB complaints and twenty-eight allegations, none of which were substantiated.
- PO B CCRB history does not reflect any apparent pattern pertinent to this investigation.
- SGT G has been a member of service for 15 years and has been named a subject in forty-four CCRB complaints and one hundred twenty-two other allegations, of which twelve have been substantiated.
- #201111996 involved a substantiated Abuse of Authority: Premises entered and/or searched allegation against SGT G The Board recommended Command Discipline. The NYPD imposed Instructions.

- #201207718 involved a substantiated Abuse of Authority: Stop allegation against SGT
 The Board recommended Charges and Specifications. The NYPD imposed forfeiture of one vacation day.
- #201405351 involved a substantiated Abuse of Authority: Premises entered and/or searched allegation against SGT G The Board recommended Charges and Specifications. SGT G was found not guilty at trial, and no discipline was imposed.
- #201800398 involved substantiated Abuse of Authority: Vehicle stop, Vehicle search, Search of person, and Threat of summons allegations against SGT G The Board recommended Charges and Specifications. The NYPD imposed forfeiture of 10 vacation days.
- #201901422 involved a substantiated Abuse of Authority: Threat of force allegation against SGT G
 The Board recommended Formalized Training. The NYPD imposed Instructions.
- #201903162 involved four substantiated allegations of Abuse of Authority: Other, supervising improper arrests against SGT G The Board recommended Formalized training. The NYPD imposed Formalized Training.
- SGT GCRB history does not reflect any apparent pattern pertinent to this investigation.

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- According to the Office of Court Administration (OCA) (Board Review 15), Between 1996 and 2018, Mr. O was convicted of New York Penal Law Section 125.25 for second degree murder and New York State Penal Law 265.05 for criminal possession of a weapon in the second degree, New York State Penal Law Section 220.39 for the criminal sale of a controlled substance in the third degree, New York State Penal Law 221.05 for the unlawful possession of marijuana, New York State Penal Law 220.03 for the criminal possession of a controlled substance in the seventh degree, New York State Penal Law 220.16 for the criminal possession of a controlled substance in the third degree. Mr. O received varying amounts of fines and imprisonment. OCA does not list any other convictions.
- According to the Office of Court Administration (OCA) (Board Review 16), Ms. B
 has no history of convictions in New York City.
- There is no claim associated with this complaint (Board Review 24)

Squad:	15		
Investigator: _	Jeffrey Tsui Signature	INV Jeffrey Tsui Print Title & Name	02/16/2022 Date
Squad Leader: _	Signature	IM Simon Wang Print Title & Name	02/16/22 Date
Reviewer: _	Signature	Print Title & Name	Date